

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: CS/SB 1470

INTRODUCER: Committee on Health and Human Services Appropriations and Senator Peaden

SUBJECT: Implementing 2010-2011 General Appropriations Act

DATE: March 19, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hardy	Hansen	HA	Fav/CS
2.			WPSC	
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill provides statutory authority necessary to implement and execute the Fiscal Year 2010-2011 General Appropriations Act. Such statutory changes are temporary and either expire on July 1, 2011, or revert to the original language at that time.

This bill amends s. 394.908, F.S.

II. Present Situation:

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as *Brown v. Firestone*, 382 So. 2d 654 (Fla. 1980), and *Graham v. Firestone*, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County Florida, 1982, have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

III. Effect of Proposed Changes:

Each change below expires July 1, 2011.

Section 1 amends s. 394.908, F.S., to require that funds appropriated for mental health treatment services in forensic institutions be allocated to the areas of the state having the greatest demand for services and treatment capacity.

Section 2 prohibits any state agency from implementing any rule or policy mandating or establishing new nitrogen-reduction limits that apply to existing or new onsite sewage treatment systems, have the effect of requiring the use of performance based treatment systems, or increase the cost of treatment for nitrogen reduction from onsite systems before completion of phase II of a study mandated in proviso language following Specific Appropriation 486, of the General Appropriation Act for Fiscal Year 2010-2011.

Section 3 specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2009-2010 Implementing Bill, ch. 2009-82, L.O.F.)

Section 4 provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill. (Repeated from the 2009-2010 Implementing Bill, ch. 2009-82, L.O.F.)

Section 5 provides a severability clause.

Section 6 provides an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Although the provisions of this bill allow specific budget decisions to be effective, actual funding changes are made in the General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health and Human Services Appropriations on March 19, 2010:

Senate Bill 1470 was originally filed as a shell bill expressing legislative intent to revise laws relating to the implementation of the 2010-2011 General Appropriations Act. The Health and Human Services Appropriations Committee adopted the committee substitute as described in this bill analysis. The bill continues language related to the allocation of funds appropriated for the mental health forensic treatment services.

- B. Amendments:

None.